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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

BRANDON STEVENSON, an
individual;

Plaintiffs,

vs.

LAMONT NASH; SUZANNE
PORTILLO; and DOES 1-10, inclusive,

Defendants.

Case No. 2:24-cv-11112-ODW-RAO

Assigned to: *Honorable Otis D. Wright*
Mag. Judge Rozella A. Oliver

JOINT RULE 26(f) REPORT

**Scheduling Order to Issue: May 27,
2025**

1 **I. STATEMENT OF THE CASE**

2 **A. Plaintiff's Statement**

3 This civil rights case arises out of the use of the officer-involved shooting of
4 Brandon Stevenson by California Highway Patrol officers Lamont Nash and
5 Suzanne Portillo on July 4, 2021. At approximately 11:00 p.m. on that date, Officers
6 Nash and Portillo attempted to conduct a traffic stop on a two-door Infinity, later
7 identified to be driven by Plaintiff, Brandon Stevenson, on the 210 freeway in the
8 City of Pasadena, California. Officers Nash and Portillo pursued Plaintiff westbound
9 on the 210 freeway and at some point during the pursuit, a secondary CHP unit
10 joined.

11 The pursuit proceeded southbound on the 101 freeway before the Infinity
12 exited the freeway and drove to the end of East Commercial Street, where the
13 roadway was blocked by a metal fence. Officer Nash stopped his patrol vehicle
14 behind the Infinity as the Infinity executed a three-point turn. Officer Nash exited
15 his vehicle, drew his firearm, and stood behind his vehicle's driver's door. Officer
16 Portillo, who was a passenger in the patrol vehicle driven by Officer Nash, exited
17 the vehicle, drew her firearm, and stood behind the vehicle's front passenger door.

18 Once Plaintiff completed the three-point turn in the Infinity, he attempted to
19 drive the vehicle around the Officer Nash's patrol vehicle, through the open space
20 between the patrol vehicle and a nearby retaining wall. As the Infinity navigated its
21 way through the open space, Officers Nash and Portillo discharged their firearms
22 into the Infinity, striking Plaintiff several times. On information and belief, Officer
23 Nash fired approximately four shots into the driver's side of the Infinity. On
24 information and belief, Officer Portillo fired approximately eight shots into the
25 Infinity.

26 The secondary CHP unit arrived just as the Infinity began moving through the
27 open space between Nash's patrol vehicle and the nearby retaining wall and drove to
28 a position behind and perpendicular to Nash's patrol vehicle, causing the Infinity to

1 collide with the secondary unit as it traveled through the open space between Nash's
2 patrol vehicle and the nearby retaining wall.

3 At all relevant times, Plaintiff was unarmed and did not pose an immediate
4 threat of death or serious bodily injury to the officers or anyone else. On information
5 and belief, despite knowing that Plaintiff had been seriously injured by the officers,
6 the officers failed to timely summon medical care or permit medical personnel to
7 treat Plaintiff after the shooting.

8 Plaintiff sustained serious physical injuries and incurred financial loss and
9 expenses from this incident. Plaintiff also endured pain and suffering and emotional
10 distress as a result of this incident.

11 **B. Defendants' Statement**

12 On July 4, 2021, at approximately 10:55 p.m. California Highway Patrol
13 Officers Suzanne Portillo and Lamont Nash, were on patrol and traveling westbound
14 on Interstate 210, also known as the Foothill Freeway, in the vicinity of Rosemead
15 Boulevard. Officer Nash observed a vehicle approaching them from the rear at a
16 high rate of speed. The vehicle, a black Infiniti, model Q60, passed their patrol
17 vehicle and Officer Nash began a bumper pace. Officer Nash was able to obtain a
18 bumper pace of 91 miles per hour, ("mph"), within a marked 65 mph zone. During
19 the bumper pace, the suspect's vehicle weaved from the #2 lane and into the #3 lane
20 and straddled the #2 and #3 lanes. At this time, Officer Nash activated the patrol
21 vehicle's Code-3 emergency lights for a violation of California Vehicle Code section
22 22349 (a), exceeding 65 mph, and California Vehicle Code section 21658 (a),
23 unable to maintain a lane.

24 Officer Portillo also advised the Los Angeles Communications Center they
25 were following a "Slow to yield" vehicle as they approached Fair Oaks Avenue.
26 Although Officer Nash requested air support, he was advised air support was
27 grounded due to the July 4th fireworks in the area.
28

1 The suspect's vehicle transitioned from westbound Interstate 210 to
2 westbound State Route 134 also known as the Ventura Freeway. At 10:56 p.m. the
3 driver, who was later identified as Mr. Brandon Lamar Stevenson, failed to yield
4 and a pursuit ensued on westbound State Route 134, east of State Route 2, also
5 known as the Glendale Freeway.

6 At 11:00 p.m., the pursuit transitioned to southbound State Route 2. Mr.
7 Stevenson's vehicle, with the CHP and patrol vehicles from other law enforcement
8 agencies exited State Route 2 to Glendale Boulevard and traveled southbound on
9 Glendale Boulevard.

10 Mr. Stevenson's vehicle turned northbound onto Palo Alto Street and at
11 11:07 p.m. and the pursuit entered southbound United State (US) 101, also known as
12 the Hollywood Freeway.

13 At 11:09 p.m., Mr. Stevenson's vehicle exited at Alameda Street from
14 southbound US 101 and proceeded eastbound on Commercial Street.

15 Mr. Stevenson's vehicle continued eastbound on Commercial Street and failed
16 to stop for a stop sign within the intersections of eastbound Commercial Street and
17 Vignes Avenue and at Commercial Street and Center Street. Mr. Stevenson's vehicle
18 then made a southbound turn from eastbound Commercial Street and was forced to
19 come to a stop due to the roadway being a dead-end.

20 Officers Nash and Portillo then exited their patrol vehicle from their
21 respective doors, drew their respective service weapons and gave commands to Mr.
22 Stevenson. Mr. Stevenson reversed his vehicle in a westerly direction.

23 Officers Nash and Portillo were standing outside of their patrol vehicle with
24 their weapons drawn. Officer Nash gave two distinct commands to Mr. Stevenson,
25 "Stop the car! Stop the car!" Another officer pulled his patrol vehicle to the left of
26 Officer Nash's patrol vehicle in order to take the left "V" position to assist with the
27 felony stop. Mr. Stevenson then began to accelerate in a northerly direction while
28

1 turning the front wheels of his vehicle in the direction of Officer Nash and the left
2 side of the patrol vehicle.

3 At 11:10 p.m., Officers Portillo and Nash, reasonably believed Mr. Stevenson
4 was going to use his vehicle as a weapon to strike and cause serious bodily injury or
5 death to Officer Nash as he accelerated towards Officer Nash. Consequently,
6 Officers Portillo and Nash discharged their respective weapons at the rapidly
7 approaching vehicle. Officer Nash discharged four rounds from his weapon while
8 standing behind the patrol vehicle's open left front door and while backpedaling
9 from the open left front door towards the left rear of the patrol vehicle. Officer
10 Portillo discharged eight rounds from her weapon while standing behind the patrol
11 vehicle's open right front door. Mr. Stevenson's vehicle continued in a northerly
12 direction.

13 The left front corner of Mr. Stevenson 's vehicle's vehicle collided into the
14 right front fender of another Officer's patrol vehicle with such great force that it
15 caused the impacted patrol vehicle to spin in a counterclockwise direction until the
16 patrol vehicle came to rest facing in a northerly direction. After Mr. Stevenson's
17 vehicle collided into the patrol vehicle it came to rest facing in a northerly direction.
18 The rounds discharged by both officers struck the suspect's vehicle in various
19 locations, as well as striking Mr. Stevenson.

20 When Officer Nash was asked what was going through his mind when Mr.
21 Stevenson's vehicle was accelerating towards him, Officer Nash stated, "Fear. I was
22 fearful for my life He's going to either hit me or crush me between the door and
23 the vehicle. "

24 When Officer Portillo was asked what was going through her mind when Mr.
25 Stevenson's vehicle was accelerating towards Officer Nash, Officer Portillo stated,
26 "When he accelerated towards my partner, I thought he was trying to kill my
27 partner. That he was trying to run him over ...When he came towards our car, I
28 thought like my partner was going to die. So, my initial thought -- well, what I felt I

1 needed to do was stop him from doing that and stop him from injuring my partner.
2 In order to do that, I had to use deadly force."

3 **II. SUBJECT MATTER JURISDICTION**

4 This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
5 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the United
6 States including 42 U.S.C. § 1983 and the Fourth Amendment of the United States
7 Constitution.

8 **III. LEGAL ISSUES**

9 **Plaintiff's Statement:**

- 10 1. Whether Plaintiff's rights against excessive force, including excessive
11 deadly force, under the Fourth Amendment were violated when
12 Defendants Lamont Nash and Suzanne Portillo shot at Plaintiff;
13 2. Whether Plaintiff's rights against denial of medical care, under the
14 Fourth Amendment, were violated following the use of force by
15 Defendants Lamont Nash and Suzanne Portillo; and
16 3. Damages.

17 **Defendants' Statement:**

- 18 (1) Whether officers used reasonable force under the circumstances;
19 (2) Whether officers denied medical care to Plaintiff in violation of the
20 constitution;
21 (3) Whether the officers interfered with Plaintiff's Fourth Amendment
22 rights;
23 (4) Whether the officers are entitled to qualified immunity on the federal
24 claims;
25 (5) The extent of Plaintiff's comparative fault;
26 (6) The nature and extent of the injuries proximately caused by the actions
27 of officers; and
28

(7) The nature and extent of Plaintiff's damages, including punitive damages.

IV. DAMAGES

Plaintiff is unable to provide a realistic range of probable compensatory damages at this time but expect that these damages will be determined as discovery progresses. Plaintiff also expects to pursue punitive damages and attorney fees in amounts to be later determined.

V. INSURANCE

Defendant, State of California is self-insured pursuant to Government Code section 11007.4.

VI. MOTIONS

Plaintiff does not anticipate needing to seek leave to file an amended pleading or adding new parties but reserves the right to do so. Plaintiff does not believe there are any other issues which may be determined by motion at this time. The parties anticipate filing discovery motions if needed. The parties propose a Motion to Amend the Pleadings deadline of **September 22, 2026**.

Defendants anticipate filing a motion for summary judgment, and motions in limine, including a motion to bifurcate punitive damages, if the case proceeds to trial.

VII. COMPLEXITY

The parties agree that this is not a complex case and therefore is not subject to the Manual for Complex Litigation.

VIII. STATUS OF DISCOVERY

Discovery has not begun. The parties will exchange initial disclosures on **June 30, 2025**.

IX. DISCOVERY PLAN

Plaintiff anticipates on taking the deposition upon oral examination of the involved officers, any additional officers who responded to the scene after the

1 incident, the officers' supervisors, medical personnel, and percipient witnesses. The
2 additional officers, supervisors, medical personnel, and percipient witnesses have
3 not yet been identified.

4 Plaintiff anticipates on serving written interrogatories, requests for admission,
5 and requests for production of documents on the issues of liability for unreasonable
6 detention and arrest, excessive and unreasonable force, and related municipal
7 liability claims.

8 The parties intend to enter into a stipulated protective order regarding various
9 confidential documents, so as to facilitate relevant discovery and disclosures while
10 preserving certain privileges as well as important and statutory confidentiality
11 interests.

12 Defendants anticipate deposing plaintiff. Defendants may also depose other
13 witnesses to the incident and other witnesses with knowledge regarding plaintiff's
14 injuries and damages claims. Defendants also intend to issue subpoenas for medical
15 and employment records of plaintiff and records in the possession of other law
16 enforcement agencies. By way of written discovery, defendants intend to conduct
17 discovery regarding plaintiff's contentions, factual bases and evidentiary bases for
18 his liability claims, and plaintiff's damages claims.

19 The parties do not see any issues regarding electronically stored information
20 pursuant to Rule 26(f)(3)(C) in this case.

21 The parties further do not propose that the Court issue any other orders under
22 Federal Rules of Civil Procedure 16(b), 16(c), or 26(c).

23 The parties propose a Fact Discovery Cut-Off date, including hearings all
24 motions related to Fact Discovery, of **March 27, 2026**.

25 **X. EXPERT DISCOVERY**

26 The parties propose an Initial Expert Exchange date of **April 24, 2026**, a
27 Rebuttal Expert Exchange date of **May 22, 2026**, and an Expert Discovery Cut-Off
28

1 date, including hearings on all motions related to Expert Discovery, of **June 19,**
2 **2026.**

3 **XI. DISPOSITIVE MOTIONS**

4 Plaintiff does not currently anticipate filing a dispositive motion but reserves
5 the right to do so.

6 Defendants anticipate filing a motion for summary judgment, or, in the
7 alternative, partial summary judgment. Anticipated issues/claims that may be
8 determined by a motion for summary judgment include, but are not limited to,
9 whether the officers' actions were reasonable under the circumstances, whether the
10 officers summoned emergency medical services, and whether the officers are
11 entitled to qualified immunity or immunities under federal law. The parties propose
12 a Dispositive Motion Deadline of **July 13, 2026.**

13 **XII. SETTLEMENT/ADR PROCEDURE SELECTION**

14 The parties have not discussed settlement and wish to conduct further
15 discovery before addressing the possibility of settlement. The parties propose a
16 settlement conference deadline of **August 24, 2026.**

17 The parties elect to proceed with ADR Procedure No. 2.

18 **XIII. TRIAL**

19 All parties have requested a jury trial. The parties propose a Final Pre-Trial
20 Conference date of **September 28, 2026**, and a Trial Date of **October 20, 2026.** The
21 parties estimate that the trial will take approximately 7-10 court days.

22 **XIV. TRIAL COUNSEL**

23 Plaintiff: Dale K. Galipo (lead) and Hang D. Le.

24 Defendants: Deputy Attorney General, David Klehm.

25 **XV. INDEPENDENT MASTER**

26 The parties agree that this case does not require the appointment of a master
27 or independent scientific expert.
28

1 **XVI. OTHER ISSUES**

2 There are currently no other known issues. The parties do not believe there
3 are any other issues affecting the status or management of the case, and do not
4 believe there is need for a case management conference.

5
6
7 DATED: May 20, 2025

LAW OFFICES OF DALE K. GALIPO

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9 Bv /s/ *Hang D. Le*
10 Dale K. Galipo
11 Hang D. Le
12 Attorneys for Plaintiff Brandon Stevenson

13
14 DATED: May 20, 2025

15 ROB BONTA
16 Attorney General of California
17 DONNA M. DEAN
18 Supervising Deputy Attorney General

19 */s/ David Klehm*

20 DAVID KLEHM
21 Deputy Attorney General
22 Attorneys for Defendants Lamont Nash and
23 Suzanne Portillo
24

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28 *The filer, Hang D. Le, hereby attests that all other signatories listed, and on whose
behalf the filing is submitted, concur with the filing's content and have authorized
the filing.